

Remarks/Arguments

Claims 1 to 33 are pending in the application. By this amendment, claims 1, 3, 8, 9, 14, 16, 17, 22, 23, and 28 are amended.

Item 2 of the Office Action rejects claims 1, 2 and 4 - 21 under 35 USC 112, second paragraph arguing that the removably attached pin support recited in the claims is unsupported as the claims provide no structure for removability, thus, rendering the claim incomplete. Applicant respectfully asserts that the structure is provided and that the rules do not require more detail. Nevertheless, for the sake of clarity and prosecution brevity, claims 1, 3, 8, 9, 14, 16, 17, 22, 23, and 28 are amended to provide additional structure. It is respectfully requested that the rejection of claims 1, 2 and 4 - 21 under 35 USC 112, second paragraph be withdrawn.

Item 5 of the Office Action rejects claims 1-6, 8-18, 22-24, 28, 29, 30 and 32 . under 35 USC 103(a) as unpatentable over either US Patent 6,168,368 to Apgar, et al. (hereinafter Apgar) or US patent 4,858,345 to Abe et al. (hereinafter Abe). The rejection is respectfully traversed.

The Office Action asserts that Apgar discloses a load bearing support 86 and the pin support 92 that are removably attached by being welded together and further asserts that welding and bolting are equivalent and used interchangeably as welded pieces can be cut apart. Yet, the Office Action presents no art to substantiate this assertion.

The Office Action merely asserts that the features emphasized above are obvious. According to MPEP 706.02(j):

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure." (emphasis added)

Applicants respectfully submit that neither of the applied references, taken alone or in combination, teach or suggest the features emphasized above, i.e., the structure of a linkage pin support removably attached to a load bearing support on a work vehicle. Welding does not address the plain meaning of the indicated claims, i.e., a linkage pin support removably attached to a load bearing support on a work vehicle. No person skilled in the industry would understand one part welded to another as being removably attached. Nevertheless, as indicated before, for the sake of brevity and prosecution of this patent application, Applicant has included the additional structure of the fastener. Neither the teaching nor the suggestion to make any claimed combination for this feature can be found in the applied art. Thus, Applicants respectfully submit that the rejection is improper and that claims 1, 9, 16, 22 and 28 overcome the applied art. Further, claims 2-8, 10-15, 17-21 and 28-33 overcome the applied art as these claims depend from claims 1, 9, 16, 22 and 28 and recite additional features. It is respectfully requested that the rejection of claims 1-6, 9-13, 15, 16, 18, 21, 22, 24, 27, 28, 30 and 32 under 35 USC 103(a) as unpatentable over either Apgar or Abe be withdrawn.

Item 6 of the Office Action rejects claims 7, 19, 20, 21, 25, 26, 27, 31 and 33 USC 103 (a) as unpatentable over Abe in view of US Patent 5,746,861 to Mandon (hereinafter "Mandon"). The rejection is respectfully traversed.

The Office Action apparently assumes that Abe renders claims 1, 9, 16, 22 and 28 unpatentable. However, as discussed above, neither Abe nor Apgar, taken alone or in combination, disclose or even suggest a pin support removably attached to a load bearing support via the fastener. Further, as the Office Action admits, Mandon merely discloses a lever 68 and does not suggest the indicated feature. Thus, neither Abe nor Mandon, taken alone or in combination, disclose or suggest every feature of claims 1, 9, 16, 22 and 28. Therefore, Abe and Mandon, whether taken alone or in combination, can disclose or suggest every feature of claims 7, 19, 20, 21, 25, 26, 27, 31 and 33 as these claims depend from claims 1, 16, 22 and 28 and recite additional features. It is respectfully requested the rejection of claims 7, 19, 20, 21, 25,

26, 27, 31 and 33 under 35 USC section 103 (a) as unpatentable over Abe in view of Mandon be withdrawn.

In a repeat of the previous Office Action, Item 7 of the current Office Action objects to claims 8, 14, 17 and 23 as dependent upon a rejected base claim that asserts that they would be allowable if the written in independent form including all of the features of the base claim and any intervening claims. Applicant respectfully submits that claims 8, 14, 17 and 23 were, in the response mailed 14 April 2005, written in independent form including all of a the features of the base claim and any intervening claims. Thus, Applicant is somewhat confused as the Obvious Action rejects these claims under Item 5. Applicant assumes that the Office Action recanted on the assertions of the previous Office Action and included Item 7 inadvertently. Applicant respectfully submits that claims 8, 14, 17 and 23 define over the applied art for reasons already stated above in the response to Item 7.

Item 8 of the Office Action asserts that *Nerwin v. Erlichman* constructing a formerly integral structure in various elements involves only routine skill in the art. However, *Nerwin v. Erlichman*, merely states that "the mere fact that a given structure is integral does not preclude its consisting of various elements." (*Nerwin v. Erlichman* 168 USPQ 179) It also states that each device is intended to function in the same manner with substantially the same result. Thus, the decision was a traditional and time-honored one. As stated at *Nerwin v. Erlichman* 168 USPQ 179,

Neither *Nerwin* nor *Erlichman* uses the term "divider" or expressly refers to a dividing function in his specification. In any event, it is clear that the tip of the *Erlichman's* member 198 and opposes itself between the strip and sheet and the same manner as does *Nerwin's*, the thus to divide the paths of the strip and sheet.

Applicant's invention functions in a different manner, has advantages over the applied art and provides different results. Thus, Applicant respectfully submits that *Nerwin v. Erlichman* is misapplied. In this case, Applicant has discovered a problem and rendered a nonobvious solution. In *In Re Spinnoble* 405 F.2d 578, the court stated "It should not be necessary for this court to point out that a patentable invention may lie in the discovery of the source of a problem even though the remedy may be obvious once the source of the problem is identified.

Item 8 of the Office Action asserts that Applicant's invention does not allow for adjustment, i.e., that adjustment is not supported by the specification. Applicant respectfully calls attention to paragraphs 0003 through 0005 of the specification in which it is clearly stated that optimal linkage performance may be had by changing out linkage pin supports. Thus, Applicant respectfully submits that this assertion/argument is without foundation.

For at least the reasons set forth above, applicant respectfully submits that the application defines patentable subject matter. Favorable reconsideration and prompt allows of claims 1 through 33 is respectfully solicited.

Should the Examiner believe anything further is desirable looking to place the application and even better condition for allowance, he was invited to contact Applicant's undersigned representative at the telephone number listed below.

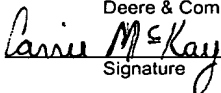
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Respectfully,


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